



DEWITT HIRAM MERRIAM  
May 10, 1889—September 7, 1965

## IN MEMORIAM

Judge deWitt Hiram Merriam came to our law school in the twilight of his years after achieving a brilliant legal career. Judge Merriam was born in Port Huron, Michigan on May 10, 1889 and he earned his law degree from Detroit College of Law in 1914. He distinguished himself as assistant prosecuting attorney of Wayne County and as attorney general of the United States Railroad Commission under President Wilson. He was elevated to the 3rd Judicial District Court of Michigan in 1923 and served for 22 years on the bench. He was also an active civic leader and he was potentate of the Moslem Temple of the Shrine in Detroit in 1936. Judge Merriam retired to Arizona in 1945 and he came to San Diego nine years ago with his wife, Portia. He served as a volunteer faculty member at our law school from 1960 to 1963. During that time he was instrumental in guiding and directing the young law school and in obtaining accreditation for the school from the American Bar Association. The Judge died on September 7, 1965, after a long illness.

It is with great sorrow for the passing of a dear friend, colleague, and fine teacher that we, the faculty and students of the University of San Diego School of Law, dedicate this law review to the memory of Judge deWitt Hiram Merriam.

The following prayer and eulogy was offered by The Most Reverend Charles F. Buddy, Bishop of the San Diego Catholic Diocese, at the committal service for Judge Merriam held at Forest Lawn Memorial Park, Glendale, California on September 10, 1965:

"As an introduction to this brief meditation, and really for my own personal consolation, I wrote a prayer for Judge Merriam which is now submitted for your reflection:

O God, Who did inspire and strengthen Thy faithful people by sending the Holy Spirit, the Consolator Optime, deign by this divine Light to illumine our minds and comfort us in the painful separation from one whom we dearly love. Even though we realize that in his inspiring conquest of life there is something that can never die, we do grieve for those who are left behind to mourn him.

O divine Redeemer, in the trials and sorrows that confront us, may we never forget the Providence of God Who 'ordereth all things sweetly.'<sup>1</sup> O supreme Architect, "Who hath measured the waters in the hollow of His Hand and weighed the heavens with

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<sup>1</sup> *Wisdom* 8:1.

His Palm"<sup>2</sup> . . . Who, in Thine infinite wisdom and paternal solicitude has created the plans and specifications for every creature to work out a beautiful destiny, look down graciously on those assembled here to express affectionate regard for deWitt Hiram Merriam, a loyal soul whose memory we hold in benediction.

Amen.

"A benediction at the solemn obsequies of the Honorable Judge Merriam carries with it a note of deepfelt thanksgiving to the Divine Benefactor Who thought of him from all eternity and sustained him during these seventy-six well-spent years. O God of mercy, be pleased to hear these words of humble gratitude for those illuminating qualities that made our dear, departed friend, not only a great jurist, but also a benefactor of the human race.

"Bless God for his noble-minded parents who in the first school of the home taught him to divide the loaf, who impressed upon his youthful mind the eternal truth that virtue is joy and peace, power and fortitude, sympathy and greatness of soul. 'Blessed be the Lord the God of Israel'<sup>3</sup> that Judge Merriam breathed the atmosphere of a home where learning and piety prevailed. We pause to honor the memory of his stalwart and revered parents, the instrumental causes of his existence. They cooperated with the almighty Creator, the efficient Cause, in extending the work of creation. Such a home, both by word and example, reflects quality of life.

"Judge Merriam, both in private practice and while on the Bench, added luster to the legal profession by his strict adherence to jurisprudence. This science stresses and implements the virtue of justice. As judge of the Third District Judicial Court of Michigan, during a brilliant tenure of twenty-two years, Judge Merriam studied diligently those acts and forbearances which guarantee the rights of all. He took as a personal responsibility the solemn duty to weigh both sides of a case, to insist on law and evidence in securing equity. He never divorced the norms of morality from the demands of his ennobling profession. At the start of his career Judge Merriam adopted the principle that in the cause of justice expediency merits no consideration.

"Again and again, bless the Holy Spirit of Wisdom for the eminent profession that enabled Judge Merriam to protect the rights and defend the cause of justice, as he guided countless people through

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<sup>2</sup> *Isaias* 40:12.

<sup>3</sup> *1 Kings* 25:32.

legal complexities. Judge Merriam, gifted with prudence and understanding, revered the voice of conscience. No wonder that lawyers in Detroit still honor him. Uniformly affable, his judicial bench easy to approach, he was too genuine to be anything else but humble.

"Blessed in his natural endowments, he was doubly blessed by his lovely and lovable life companion who shared the joys and sorrows, the smiles and tears of his life. He values now more than ever the image of his devoted Portia, always kind and patient under trial. Her love for him shall endure forever.

"We, of the University of San Diego School of Law, represented here today by its Head, Dean Joseph Sinclitico, Professor Brock, General Hermle, and Reverend Father Geimer, Law Library Director, bring the profound gratitude of our hearts, not only for the brilliant legal talents of Judge Merriam, but also for the Christian ethics he insisted upon and made a tradition among us. He gave generously, now doubly appraised, because in founding the Law School we needed what he had to give—high ideals destined to influence generations of lawyers. Thanks be to God for Judge Merriam. He gave lasting prestige to our University School of Law.

"Do you wonder, then, that we loved him sincerely, that we treasured his wise legal opinions, that we simply could not help admiring him and blessing him every day?

"During the last few days you have heard and read many eloquent tributes to Judge Merriam. Very Reverend Lloyd R. Gillmet, Dean of Cathedral Church of St. Paul-Episcopal, Los Angeles, spoke beautifully of him this morning. You are aware, however, that the best tributes, too lofty for language to reach, are not spoken to man. We must thank God for the boundless charity exemplified by Judge Merriam. The poor and the downtrodden never appealed to him in vain. Thus, he laid up treasure in heaven. The prayers that pierce heaven for the happy repose of his soul are uttered by orphans. Men, to have the prayers of orphans when we die is the perfect legacy and the most enduring tribute.

"Let me conclude this hymn of thanksgiving to the divine Giver of 'every best gift and every perfect gift'<sup>4</sup> Who granted Judge Merriam the grace to earn the motto now emblazoned on his eternal coat of arms: 'In sweetness in the Holy Ghost; in charity unfeigned.' "<sup>5</sup>

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<sup>4</sup> *James* 1:15.

<sup>5</sup> *2 Corinthians* 6:6.